

Record of Proceedings
of the
3
INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST

Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The United States of America, the Republic of China,
the United Kingdom of Great Britain and Northern Ireland,
the Union of Soviet Socialist Republics, the Commonwealth of
Australia, Canada, the Republic of France, the Kingdom of
the Netherlands, New Zealand, India, and the Commonwealth
of the Philippines

-Against-

ARAKI, Sadao; DOHIHARA, Kenji; HASHIMOTO,
Kingoro; HATA, Shunroku; HIRANUMA, Kiichiro; HIRO-
TA, Koki; HOSHINO, Naoki; ITAGAKI, Seishiro; KAYA,
Okinori; KIDO, Koichi; KIMURA, Heitaro; KOISO, Kuni-
aki; MATSUI, Iwane; MATSUOKA, Yosuke; MINAMI,
Jiro; MUTO, Akira; NAGANO, Osami; OKA, Takasumi;
OKAWA, Shumei; OSHIMA, Hiroshi; SATO, Kenryo; SHI-
GEMITSU, Mamoru; SHIMADA, Shigetaro; SHIRATO-
RI, Toshio; SUZUKI, Teiichi; TOGO, Shigenori; TOJO,
Hideki; UMEZU, Youshijiro;

-Accused-

Official Court Reporters

Jack Greenberg, Chief
Fred T. Allen
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Aronson Dada
Samuel Goldberg
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John J. Smith
Daphne Spratt
Elvira Wheeler
Julius Wolf
Lorraine Yule

Monday, 1 July, 1946

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INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment,
at 0930.

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Appearances:

For the Tribunal, same as before with the
exception of HON. DELFIN JARANILLA, Justice, Member
from the Commonwealth of the Philippines, who is
not sitting.

For the Prosecution Section, same as before.

For the Defense Section, same as before with
the addition of MR. FLOYD J. MATTICE, Counsel for
Accused MATSUI, Iwane, who also appears now for the
Accused ITAGAKI, Seishiro.

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(English to Japanese and Japanese
to English interpretation was made by
IWAMOTO, Masahito and OKA, Takashi, Sho
Onodera acting as Monitor.)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is in session
3 and is ready to hear any matter brought before it.

4 THE PRESIDENT: All the accused are present
5 except OKAWA, who is represented by counsel.

6 Does any counsel desire to mention any
7 matter?

8 DR. UZAWA: Mr. President, if it please
9 the Tribunal, I present Mr. Warren, who has become
10 counsel for the defendant OKA, Takasumi.

11 THE PRESIDENT: This Court will not sit on
12 Thursday, that day being Remembrance Day; but the
13 Court will sit on Friday and Saturday morning.

14 I said "Remembrance Day." I should have
15 said "Independence Day."

16 MR. HELM: Mr. Marshal, will you call
17 General UGAKI?

18 MR. McCORMACK: May it please the Tribunal.
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1 K A Z U S H I G E U G A K I , called as a witness
2 on behalf of the prosecution, resumed the stand
3 and testified as follows:

4 BY MR. McCORMACK (Continued):

5 Q Mr. Witness, last Friday, in the last an-
6 swer you gave you stated that the Chief of Staff had
7 the responsibility of military maneuvers in the army
8 overseas. By that answer did you mean the Chief of
9 General Staff?

10 A Yes.

11 Q Now, is the War Minister the superior officer
12 of the Chief of General Staff in relation to military
13 maneuvers and army control overseas?

14 A Relating to matters of the Supreme Command,
15 the Army Chief of Staff holds the highest position
16 next to the Emperor himself.

17 Q Now, what are the duties of the War Minister?

18 A Military administration.

19 Q Now, during your tenure of office as War
20 Minister, tell the Tribunal what the relation was
21 in Manchuria between Japan and China.

22 A The situation was very tense. The Governor
23 of Manchuria violated the Japanese rights and in-
24 terests and persecuted Japanese and Korean residents
25 in Manchuria. The situation, as I said, was very

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1 tense.

2 Q Did you hold public office after your resig-
3 nation as War Minister?

4 THE MONITOR: Will the reporter read that?

5 (Whereupon, the last question was read
6 by the official court reporter.)

7 A After resigning as War Minister I was Su-
8 preme War Councilor for three months, and then went
9 to Korea as Governor General.

10 Q What are the duties of the Supreme War Coun-
11 cilor?

12 A His duties are to reply to the Emperor
13 whenever he is asked questions regarding military
14 affairs.

15 Q Now state specifically what your duties
16 were as Governor of Korea.

17 A I believe that it was more or less the same
18 as the duties of the governor generals of the colo-
19 nies of any other country. The duties of a governor
20 general comprised all kinds of work except military
21 matters.

22 Q Were you Governor of Korea at the time of
23 the Manchurian Incident?

24 A Yes.

25 Q Has the Governor of Korea any duties that

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1 would be allied with the Japanese military?

2 A It has connections with the military as far
3 as the defense of Korea is concerned. Aside from
4 that it has no connection whatsoever.

5 Q Now, during your tenure in office as Gover-
6 nor of Korea, did you have anything to do with troop
7 movements of the Korean Army; for instance to Korea
8 or China?

9 A No, I had no connection with such move-
10 ments. I only received the communication from the
11 Commander-in-Chief of the Japanese Army in Korea
12 that he had sent troops to Manchuria.

13 MR. SAMMONJI; I am SAMMONJI, counsel for
14 the defendant, KOISO.

15 CROSS-EXAMINATION (Continued)

16 BY MR. SAMMONJI:

17 Q Your affidavit has told us practically all
18 we wanted to know concerning the March Incident; but
19 is there anything else that you would like to say
20 besides what you have said in your affidavit con-
21 cerning this Incident?

22 A I don't think the Incident itself is an
23 important one. Moreover, as the time has passed
24 long -- as a long time has passed since then I don't
25 remember the details. Therefore, if you would ask

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1 specifically what you want to know I might be able
2 to answer.

3 Q You have said around January or February
4 of 1931 you became aware that OKAWA and his asso-
5 ciates were planning some kind of demonstration to be
6 known as the so-called March Incident, and that when
7 you learned of that plan you immediately ordered him
8 to abandon it through General KOISO and SUGIYAMA.
9 When you ordered this to the above mentioned two
10 generals what was their attitude? Did they oppose the
11 abandonment of the plan or were they in favor of it?

12 A In January and February at that time, of that
13 year, OKAWA used to tell me that some attempt was
14 being planned, and I felt that it would be a kind
15 of demonstration. However, since I received the
16 letter dated March 6 I was made to understand --
17 correction, please -- by receiving the letter dated
18 March 6 I was made to understand that some plot
19 was being planned. Therefore, I called KOISO and
20 SUGIYAMA -- I called KOISO and SUGIYAMA in order
21 to ask them whether there was any plot being planned
22 during the month of March.

23 THE MONITOR: Correction: In January and
24 February I only felt that OKAWA was planning an
25 ordinary demonstration. However, on the 6th of March

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1 I received a letter from OKAWA and then realized
2 that this was not a mere ordinary plot, but was
3 something far more drastic than that. Therefore,
4 I called KOISO and SUGIYAMA and told them there might
5 be something more than a mere demonstration, but
6 some drastic plot planned by OKAWA.

7 A (Continued) After having heard reports
8 from SUGIYAMA and KOISO I immediately told them to
9 abandon such a plan. The attitude which SUGIYAMA
10 and KOISO took at that time was that of complete
11 agreement with my views. I concluded that judging
12 from their attitude that they heartily accepted my
13 advice of abandoning the plot because they didn't
14 raise any objection at all when I told them to
15 abandon the plan. I had educated them to -- had
16 given them guidance that whenever they have any
17 opinion to express against my views they could do
18 so. Therefore, judging from the fact that they
19 didn't say anything when I expressed my views I
20 concluded that they completely agreed with my views.

21 Q Another question: May I understand that
22 the March Incident was a purely internal affair and
23 had no international meaning?

24 A As you say, I believe that this Incident
25 has nothing whatsoever related with the affairs

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1 outside of the country.

2 MR. KANZAKI: I am KANZAKI, Masayoshi,
3 counsel for the defendant, HATA, Shunroku.

4 CROSS EXAMINATION (Continued)

5 BY MR. KANZAKI:

6 Q It seems that you and the Army, were op-
7 posed to each other during the time you had received
8 the Imperial Command and were trying to organize
9 the Cabinet, is that correct?

10 A I did not understand the meaning of your
11 question. Please repeat it.

12 Q When you received the Imperial Command
13 to organize a Cabinet and were trying to make a
14 Cabinet in accordance with this command, is it
15 true that there was a section of the Army opposed
16 to you?

17 A Yes, it is a fact.
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1 Q These Army men who were opposed to you,
2 according to your affidavit, were militarists -- those
3 of the military clique, is that correct?

4 A Yes.

5 Q I wish to ask you at this point just what
6 do you mean by the militaristic clique?

7 A It is rather awkward for me to give inter-
8 pretation of the word here. However, according to my
9 own interpretation, the militarists are those who, in
10 spite of the fact that they are on active list, are
11 attempting to meddle with the politics.

12 Q You have said that the members of the militar-
13 istic clique are those, in spite of being on the active
14 list, who meddle in politics; but since the word
15 "clique" is used, is it not also necessary that they
16 form cliques or factions?

17 A You are the man to interpret the word and
18 I will agree to your interpretation.

19 THE MONITOR: Correction: "As far as inter-
20 pretation of the word goes, I will leave it up to you.
21 You may interpret it as you like."

22 Q Did HATA, Shunroku like to meddle in politics?

23 A I did not have that impression at all.

24 Q If there were various factions in the Army,
25 do you think he was a member of one of these factions?

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1 A I don't think he was.

2 MR. OHARA: I am OHARA, counsel for the
3 defendant OKAWA, Shumei.

4 CROSS-EXAMINATION (Continued)

5 BY MR. OHARA:

6 Q Mr. Witness, you have stated that on receiving
7 OKAWA's letter you felt that there was something behind
8 OKAWA's attempted demonstration. Will you state just
9 what were your feelings on receiving this letter?

10 A In the letter which I received from him
11 there was a passage in which he said that I was to be
12 used as the figure-head for a kind of political
13 revolution or renovation. I, therefore, felt that
14 there was something else and that this was not a
15 thing which OKAWA should do. Therefore, I called
16 KOISO and SUGIYAMA--

17 THE MONITOR: Correction: "At first I had
18 believed that OKAWA only planned ordinary demonstra-
19 tion but upon seeing the letter, I realized that he
20 was trying to make me a figure-head in some political
21 reforms or renovation. However, I felt that this
22 could not be accomplished with OKAWA's power; there-
23 fore, I called KOISO and SUGIYAMA.

24 A (Continuing) When I asked them, they said,
25 as I stated before, that they wanted to use the Army

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1 to accomplish the plot. Therefore, I advised them
2 immediately to abandon the plan.

3 Q Mr. Witness, do you admit that at the time
4 Japan was in such a situation internally that there
5 was a great need for a drastic renovation of internal
6 politics?

7 A I fully realized that the party politics
8 was corrupted; however, I did not think that the
9 major part of the internal administration was cor-
10 rupt and required a renovation.

11 THE MONITOR: Addition: "Fundamental or
12 drastic renovation."

13 Q Is it not true that not only the political
14 parties but also the Zaibatsu, the great financial
15 capitalists, were also corrupt?

16 A They might have been corrupt too -- also.
17 At the same time with the political parties, however,
18 as I am not aware of financial, economical problems,
19 I would not be able to state definitely.

20 Q It seems you left active service on April 13
21 with the collapse of the HAMAGUCHI Cabinet, is that
22 correct?

23 A It was not immediately after. I was trans-
24 ferred to reserve list shortly after my resignation.

25 Q What is your reason for having left the Army?

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1 A It was because I was appointed to the post
2 of Governor-General of Korea and, according to my
3 principle, an army officer, a militarist -- or rather
4 a soldier on active list, should not meddle with the
5 politics. The position of the Governor-General of
6 Korea was a clearly civilian position and it was
7 involved in politics too. Therefore, I decided to
8 give up my service as a soldier.

9 Q In the final analysis, the so-called March
10 Incident stopped short of action and ended as a mere
11 plan because, as the witness said to counsel SAMMONJI
12 a while ago, he ordered SUGIYAMA and KOISO to stop
13 the plot, is that correct?

14 A I believe your judgment is correct.

15 MR. HANAI: I am HANAI, Tadashi, counsel for
16 the defendant HIROTA, Koki.

17 CROSS-EXAMINATION (Continued)

18 BY MR. HANAI:

19 Q In the last part of your affidavit you have
20 stated that "the Army triumvirate submitted to me the
21 names of three persons of sufficient rank to fill the
22 post of Minister of War." What do you mean by "of
23 sufficient rank?"

24 A In whose affidavit do you find it?

25 Q Do you mean by that word sufficient candidates,

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1 generals in active service?

2 THE MONITOR: Correction: "A full general
3 or lieutenant general in the active service."

4 A They should be -- those three should be
5 either full generals or lieutenant generals on active
6 list and who are suitable to fill that position.

7 Q Were not lieutenant generals included in
8 this category?

9 A Although I don't recall precisely, I believe
10 there were among them Generals NAKAMURA, Kotaro,
11 KATSUKI, Seishiro, and another one of whom I don't
12 remember the name.

13 Q You say that all three of these candidates
14 refused. Did you not have any idea of recalling
15 generals who were on the reserve list and recommending
16 them as Minister of War?

17 A I also had that idea and tried to do so;
18 however, those who were acting as go-betweens inter-
19 fered. Therefore, I gave up the attempt.

20 Q Then you decided to give up your attempt
21 because there were no go-betweens and not because the
22 system of appointing only generals and admirals on
23 the active list as Ministers of the War and the Navy
24 had been established, is that correct?

25 A If there was no such system as you mentioned,

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1 I would have been able to select as many Ministers
2 of War and Navy as I wanted among the reserve officers
3 from the reserve list.

4 Q As far as the system is concerned, I should
5 think that if you recalled generals on the reserve
6 list to active service and then appointed them
7 Minister of War, it would be possible. What do you
8 think?

9 A If I had the right to ask the Emperor for
10 the revision of the Imperial Ordinance Law, I would
11 have been able to do it; however, at that time I
12 still required go-betweens to do that.

13 Q Then I would like to hear your story on
14 this point in more detail. I have heard that at your
15 headquarters, when you were forming the Cabinet,
16 advice had been given to the effect that under
17 Article 9 of the Cabinet Regulations you could have
18 temporarily filled the duties of the post of Minister
19 of War and then called somebody on the reserve list
20 to active service and then installed them as Minister
21 of War. What about this?

22 A Although that might have occurred, it doesn't
23 remain in my memory.

24 Q Do you say that there might have been such
25 consultation?

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1 A Yes.

2 Q One more question. When Admiral YONAI became
3 Navy Minister in General KOISO's Cabinet, he was then
4 on the reserve list and became Minister of the Navy
5 after being recalled to active service. Are you aware
6 of this fact?

7 A Yes, I am fully aware of that fact.

8 Q One more--

9 THE PRESIDENT: Well, I think it is becoming
10 tedious now. The responsibility of the Minister of
11 War is a very important matter, no doubt, and was
12 raised by the prosecution; and this apparently is an
13 attempt to get a solution but I think we have heard
14 enough. My colleagues are very restless. That will
15 do.
16

17 MR. HELM: In view of the Court's statement
18 on the length of the going into the duties of the
19 Minister of War, there will be no redirect by the
20 prosecution, your Honor.

21 (Whereupon, the witness was excused.)

22 MR. HELM: At this time, your Honor, I would
23 like to offer in evidence prosecution's document No.
24 1661.

25 CLERK OF THE COURT: It will be marked as
exhibit No. 164.

1 MR. HELM: This being the official record
2 of the Japanese Government of the Black Dragon Society,
3 the KOKUHON-SHA Society, the Society of the Emperor
4 JIMMU, and the Production Party of Greater Japan.
5 I shall not burden the Court with a reading of this
6 excerpt.

7 THE PRESIDENT: Admitted subject to the
8 usual terms.

9 (Whereupon, prosecution's exhibit
10 No. 164 was received in evidence.)

11 MR. HELM: At this time I would like to
12 offer in evidence prosecution's document, same being
13 an official document of the Japanese Government,
14 listing certain persons connected with Threatening
15 Incidents.

16 CLERK OF THE COURT: What was the document
17 number?

18 MR. HELM: 1659.

19 THE PRESIDENT: Admitted subject to the
20 usual terms.

21 CLERK OF THE COURT: That will be marked
22 exhibit No. 165.

23 (Whereupon, prosecution's exhibit
24 No. 165 was received in evidence.)

25 MR. HELM: I would like to call as a witness

1 for the prosecution at this time Fumio GOTO.

2 (Whereupon, TSUCHIYA, Jun replaced
3 SHIMADA, Masakazu as interpreter.)
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1 F U M I O G O T O , called as a witness on behalf
2 of the prosecution, being first duly sworn,
3 testified as follows:

DIRECT EXAMINATION

BY MR. HELM:

Q What is your name?

A GOTO, Fumio.

Q What is your present address?

9 A Tokyo, Setagaya, Tamagawa, Nogemachi, No.
10 364, c/o Goto Masako.

Q Are you staying there now?

A Yes, that is where my family is.

13 Q Have you made an affidavit for use in this
14 case?

A Yes, I did.

16 Q I will hand you this paper and ask you to
17 examine it, and ask you if this is the affidavit?

A Yes, it is.

Q Is that your signature thereon?

A Yes.

Q Was that affidavit read to you in Japanese?

22 A It was not read to me in Japanese, however,
23 the general meaning of the affidavit was told to me.

Q Did you read it in English?

A Yes, I did read it in English.

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1 Q Are the facts therein true?

2 A It may be that on certain points my know-
3 ledge of English is insufficient, but insofar as I am
4 able to understand English, it is correct.

5 MR. HELM: I offer the affidavit in evidence
6 and ask that it be appropriately marked as prosecu-
7 tion's next in order.

8 CLERK OF THE COURT: Exhibit No. 166.

9 (Whereupon, the document above re-
10 ferred to was marked prosecution's exhibit No.
11 166 for identification.)

12 THE PRESIDENT: Admitted.

13 (Whereupon, prosecution's exhibit
14 No. 166 was received in evidence.)

15 MR. HELM: (Reading) "I, GOTO, Fumio,
16 do swear on my conscience that the following is true:

17 "I was Minister for Home Affairs in the OKADA
18 Cabinet in 1936. During this time the so-called Army
19 rebellion of 1936 occurred in Tokyo. An attempt was
20 made by the insurgents to assassinate the Prime
21 Minister Admiral OKADA. I acted as interim Prime
22 Minister for about three days while Admiral OKADA
23 was besieged in the Prime Minister's residence. I
24 remember very distinctly that Admiral OKADA and his
25 cabinet experienced difficulties with the Army. The

1 highest officers in the Army at this time were
2 General KAWASHIMA, Yoshiyuki, Minister of War; the
3 Chief of the Army General Staff, Prince KANIN, who
4 was not very active; the Vice Chief of the Army
5 General Staff, General SUGIYAMA; the Inspector
6 General of Military Education, General WATANABE,
7 Jotaro; the Chief of the Military Affairs Bureau,
8 General INAI, Kyoshi; the Commander-in-Chief of the
9 Kwantung Army, General MINAMI, Jiro; and the Chief
10 of Staff of the Kwantung Army, General ITAGAKI.

11 "Later on in 1940 when Premier Prince
12 KONOYE decided to set up the Imperial Rule Assistance
13 Association, he asked for my advice and counsel in the
14 formulating of the plans for this organization. I
15 met many times with the preparatory committee appoint-
16 ed by Prince KONOYE to set up this organization.
17 Colonel HASHIMOTO, Kongoro was one of the members
18 of this committee and later occupied a position in
19 the General Affairs Committee and participated in
20 the affairs of the aforesaid organization.

21 "After the formation of the Imperial Rule
22 Assistance Association, no other important political
23 parties or organizations existed. The result was
24 to create one important public organization which
25 was controlled in its entirety throughout the

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1 country by government officers who occupied some of
2 the high positions. This aforesaid organization was
3 subsidized by government funds to the extent of eight
4 million yen per annum. This organization reached
5 into every prefecture, ward and street in Japan."

6 "Signed: "GOTO, Fumio"

7 You may ask.

8 MR. HAYASHI: I am HAYASHI, Itsuro, counsel
9 for the defendant HASHIMOTO, Kingoro. I wish to
10 examine the witness.

11 CROSS EXAMINATION

12 BY MR. HAYASHI:

13 Q You have said that you advised Prince KONOYE
14 when he decided to set up the Imperial Rule Assistance
15 Association. Did you take part in the formulation of
16 the Imperial Rule Assistance Association's practical
17 policy, regulation, and also of the Imperial Rule
18 Assistance movement policy?

19 A Yes, I did.

20 Q What was your position in the Imperial Rule
21 Assistance Association?

22 A I was one of the directors of the Imperial
23 Rule Assistance Association. Although I don't remember
24 the exact number of the members of the committee,
25 it was something between thirty-seven and forty.

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MONITOR: Thirty and forty.

Q When was the Imperial Rule Assistance Association set up and when was it dissolved?

A The date of the foundation of Imperial Rule Assistance organization was on the tenth of October, 1940, if I remember correctly. I don't remember correctly the date on which the organization was dissolved, but it was during the time of the SUZUKI Cabinet in 1945.

Q In the platform of the Imperial Rule Assistance Association it is stated that, "Thus, we shall become the moral leaders of the world." What did this mean?

A The Imperial Rule Assistance organization endeavored to raise the moral standard of the nation, and to gain respect from various nations and countries.

Q Also, in the second article of the platform of the Imperial Rule Assistance Association it is stated, "This society shall strive for the establishment of a world new order." Is it true that this society has ever striven for a world new order?

A The association has never endeavored to attain such a goal. It neither had time to do so -- neither had power nor time to do so.

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1 MONITOR: Correction: They had no time, and
2 besides that fortunately they never gained enough
3 power to do that.

4 LANGUAGE SECTION CHIEF: Mr. President, at
5 this time, I would like to state that due to the
6 very difficult form in which official documents are
7 written, to read them without a copy being submitted
8 to us to use for reference in interpretation places,
9 I feel, an undue handicap upon this section and it
10 can only lead to the slowing down of procedure before
11 the Tribunal.

12 THE PRESIDENT: Well, just translate this
13 question as best you can.

14 Q In the second article of the regulations
15 for the Imperial Rule Assistance movement it is
16 stated: "That the entire nation shall be as one
17 and shall fulfill their duties each in his own
18 sphere, and establishing such an organization shall
19 work, in order that this organization shall function
20 smoothly and in this way shall strive to fulfill
21 their duties as subjects." Was there any other
22 objects besides the purpose that I have just quoted
23 in this movement?

24 MR. FELM: Mr. President, if counsel for
25 the defense is going to continue to quote from the

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1 articles or regulations of the Imperial Rule Assis-
2 tance Association we would like to see them and have
3 them in evidence. They speak for themselves better
4 than any interpretation counsel might give of a por-
5 tion of them.

6 THE PRESIDENT: I assumed you had those.

7 MR. HELM: Not the original articles, your
8 Honor.

9 THE PRESIDENT: Your suggestion is that he
10 has put an article that is not in the rules as you
11 know them?

12 MR. HELM: No, sir, the rules are not in
13 evidence yet, and if he is going to question the
14 witness on these rules, the prosecution would like
15 to have these rules introduced in evidence. I think
16 the same objection applies that the defense has been
17 making all along about just a portion of the pertinent
18 passages being introduced, the portions that serve
19 their phase of the case. We would like the whole
20 thing before this Tribunal.

21 THE PRESIDENT: I had not overlooked the
22 fact that he is cross-examining. Now, I know of
23 nothing to prevent the cross-examining counsel from
24 saying: "you are a member of the Imperial Rule
25 Assistance Association. Is there not a rule to this

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1 effect in that association?" That is all he is doing.

2 MR. HELM: Mr. President --

3 THE PRESIDENT: Just a minute. I might go
4 further and invite him to show you the rule from which
5 he is quoting, which will be in Japanese, no doubt.

6 MR. HELM: My position is very simple, Mr.
7 President. Where counsel is cross-examining from a
8 document, the prosecution would like to see that
9 document in evidence.

10 THE PRESIDENT: He is not obliged to put
11 it in evidence immediately. He can retain it until he
12 is finished with it. The exigencies of this situation
13 do not cut down the rights of the defense. They have
14 to be preserved whatever they are. I will see as
15 far as I can that each side gets all the material that
16 it should. We will recess now for fifteen minutes.

17 (Whereupon, at 1050, a recess was
18 taken until 1105, after which the proceedings
19 were resumed as follows:)
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1 MARSHAL OF THE COURT: The Tribunal is now
2 resumed.

3 Q Will you reply to my previous question;
4 that is, what was the purpose of the Imperial Rule
5 Assistance Association.

6 A It has no other object than that.

7 Q Then, may I understand that to be the moral
8 leader of the world and to work for the establishment
9 of a new world order, these are not included in the
10 purpose of the Imperial Rule Assistance Association?

11 A They are not included in the purpose.

12 Q In your affidavit you have stated that the
13 Imperial Rule Assistance Association was a public
14 organization. What do you mean by a public organi-
15 zation?

16 A I meant by it a public organization which
17 is not a political organization.

18 Q Then, in your affidavit you have stated that
19 this public organization completely controlled the
20 country. But may I understand, then, that this com-
21 plete control did not mean political control?

22 A If I remember correctly, in my affidavit I
23 said that "the result was to create one important
24 public organization which was controlled in its
25 entirety throughout the country by government

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1 officials . . ." And I did not say that that orga-
2 nization controlled the people.

3 Q I understand that point. In your affidavit,
4 furthermore, you state that this organization was
5 subsidized by government funds to the extent of eight
6 million yen per annum. What use was made of this
7 eight million yen?

8 A This sum was the amount of the government
9 subsidy for the first year, if I remember correctly,
10 and the whole sum was used in order to operate the
11 association.

12 Q Then, may I understand that this money was
13 used not for political purposes but in order that the
14 people might carry out their duties as subjects?

15 A Yes.

16 Q Then, does it follow that we cannot con-
17 sider the Imperial Rule Assistance Association an
18 ultra-nationalistic or a militaristic organization?

19 A I am at a loss as to the interpretation of
20 the wordage of your question. However, the main
21 purpose of the association was to carry out the duties
22 of the subjects.

23 Q Then, may I understand that it was not a
24 militaristic organization?

25 A Before answering your question, I should

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1 like to put a question to you. What do you mean by
2 militaristic organization?

3 THE PRESIDENT: I do not think that calls
4 for an answer. What does call for an answer is this
5 question: What are the duties of a subject?

6 THE WITNESS: Carrying out the duties, the
7 ways, of the subject means that the Japanese nation
8 carries out duties which are incumbent upon the
9 people of Japan.

10 THE PRESIDENT: Will that include military
11 duties?

12 THE WITNESS: It includes all the duties of
13 the subject, including the duties of military ser-
14 vice, payment of tax, and other legal and moral
15 duties.

16 Q Then, was the purpose of the Imperial Rule
17 Assistance Association to prepare the people for an
18 inhumane and illegal war against Great Britain and
19 America, a war which should not have been begun and
20 a war which cannot be defended? Was the purpose
21 of the Imperial Rule Assistance Association to pre-
22 pare public opinion for such a war, or was it not?

23 MR. HELM: I have to object to that,
24 Mr. President, as calling for a conclusion from the
25 witness, whether or not the war was legal.

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1 THE PRESIDENT: I think we should take the
2 answer for what it is worth. The purpose of the
3 association should be discovered from its rules,
4 which will be in evidence.

5 A According to my understanding, the asso-
6 ciation, Imperial Rule Assistance Association, was
7 not formed with such an object in view.

8 Q I understand. Very well. Next, how many
9 members were there on the preparatory committee of
10 the Imperial Rule Assistance Association?

11 A I don't recall exactly the total number of
12 the members. However, it was something between
13 thirty and forty.

14 Q Did these people all know each other, or
15 were they assembled from people who did not know each
16 other very well?

17 A I did not ask individually that question to
18 the members of the Imperial Rule Assistance Associa-
19 tion; therefore, I cannot state definitely. However,
20 judging from my own experience, most of them seem
21 to have known each other.

22 THE MONITOR: Correction: I did not ask
23 each member of the preparatory committee indivi-
24 dually; therefore, I do not know about the others.
25 But speaking from my standpoint, I have met most of

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1 them before. However, there were quite a considerable
2 number of them whom I did not know well.

3 Q You have stated that there were also about
4 thirty or forty directors of the Imperial Rule Assist-
5 ance Association. But these directors, also, did
6 they not know each other very well?

7 A Some of them did not know each other, I
8 believe.

9 Q Did HASHIMOTO, Kingoro, soon resign as
10 director?

11 A I remember that he resigned after a little
12 more than six months.

13 Q You state in your affidavit: "I remember
14 very distinctly that Admiral OKADA and his cabinet
15 experienced difficulties with the Army."

16 What is the period covered by this time
17 that you say that the Admiral and his cabinet were
18 having difficulties with the army?

19 A I believe that those experienced difficul-
20 ties were experienced during the time the OKADA
21 Cabinet was in existence, and chiefly during the
22 later period of the tenure of office of the OKADA
23 Cabinet.

24 THE PRESIDENT: What is the nature of the
25 difficulties? That is what you are asked to say.

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1 Q You have said Admiral OKADA and his cabinet.
2 Who do you mean by his cabinet?

3 THE PRESIDENT: I want my question answered.
4 What was the nature of the difficulties?

5 A First, the budget. Second, there seemed
6 to have been some elements in the army who were
7 hoping for internal reform. I wouldn't be able to
8 state definitely who they were. As a result, there
9 were some who entertained this feeling of dissatis-
10 faction against the OKADA Cabinet.

11 MR. HAYASHI. Mr. President, by your question
12 my object has been accomplished. Thank you very much.
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1 THE PRESIDENT: Any further cross-
2 examination?

3 CROSS-EXAMINATION (Continued)

4 BY MR. McMANUS:

5 Q Mr. GOTO, are you presently in Sugamo
6 Prison?

7 A Yes.

8 Q Were you there on June 18, 1946 when you
9 signed this affidavit?

10 A Yes, I was. But I signed the affidavit
11 when I entered this building.

12 MR. McMANUS: That's all.

13 THE PRESIDENT: Mr. McCormack.

14 MR. McCORMACK: If the Tribunal please, I
15 just have one question here.

16 CROSS-EXAMINATION (Continued)

17 BY MR. McCORMACK:

18 Q Mr. Witness, in your affidavit in the first
19 paragraph, do you remember that you've listed the
20 highest ranking officers in the Army at the time of
21 the OKADA Cabinet?

22 A Yes, I remember.

23 Q What was your purpose in listing the names
24 of those highest ranking officers in your affidavit?

25 A I had no special purpose.

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1 Q Was it just in answer to the question of
2 the prosecution as to who were the highest ranking
3 officers during that cabinet?

4 A Yes, that's all.

5 Q And these names of these officers have no
6 relation to the difficulty the cabinet was having
7 with the army, has it?

8 A There is no special connection.

9 MR. FUJII: I am FUJII, Goichiro, counsel
10 for the defendant HOSHINO, Naoki.

11 CROSS-EXAMINATION (Continued)

12 BY MR. FUJII:

13 Q I ask the witness, do you remember what
14 Premier HIRANUMA replied in the Imperial Diet to a
15 question concerning the nature of the Imperial Rule
16 Assistance Association?

17 A I did not hear it myself, but I heard about
18 it, and I read about it in the newspapers.

19 Q About when was this, and what kind of
20 article came out in the newspapers regarding it?

21 A Although I don't remember exactly, I believe
22 it was some time after the reopening of the Diet
23 Session in 1941 -- that is, either in February or
24 March, 1941.

25 In answer to an interpolation at the

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1 Diet that the Imperial Rule Assistance Association,
2 in the light of the laws and regulations for the
3 maintenance of peace and order -- secret organiza-
4 tion in Japan -- for controlling secret organizations
5 in Japan, "What was the nature of the Imperial Rule
6 Assistance Organization?" And to that I remember
7 that Mr. HIRANUMA replied that the association was
8 not a political one but a public one.

9 Q Was not Baron HIRANUMA's reply as follows:
10 "That in our country there are two types of organ-
11 izations, political organizations and public
12 organizations, and that the Imperial Rule Assistance
13 Association, being a public organization, had as its
14 purpose the elevation of the morals of the people
15 and the raising of the national livelihood."?

16 THE MONITOR: "In our country only two
17 types of organizations or associations are recog-
18 nized, political associations and public associations."
19 The rest is the same.

20 A I don't remember the details of that
21 matter. However, I recall that a certain hygienic
22 organization was given as an example of public
23 organization.

24 THE PRESIDENT: The opinion of any particu-
25 lar man in Japan, no matter how highly placed, as

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1 to the purpose of this organization, is quite remote.
2 There might have been many opinions and varying
3 opinions. We are not assisted at all by the opinion
4 of one man. That does not help us.

5 Q Then, do you recognize that the nature of
6 the Imperial Rule Assistance Association did not
7 change from the time of its formation up until it
8 was dissolved in 1945?

9 THE PRESIDENT: We are not interested in
10 knowing whether it changed or not. What we want to
11 know is what was the real purpose of this association?
12 That real purpose may or may not be gathered from
13 its rules.

14 It does appear that the purpose of the
15 association was to control the people, to control
16 them by government officials through the association.
17 The control apparently extended to any order the
18 government might give. It extended to the duties
19 of the subject which would include obedience to
20 government orders.

21 Do you wish to cross-examine to show that
22 such was not the case?

23 MR. FUJII: Yes.

24 THE PRESIDENT: Well, direct your questions
25 to show that all these statements that I have made

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1 to you, from the evidence of the witness -- they
2 may or may not be true or correct - are unfounded.

3 Q Then, do you admit that the Imperial Rule
4 Assistance Association is different from the Nazi
5 Party in Germany and the Fascist Party in Italy?

6 THE PRESIDENT: I disallow that question.
7 That assumes a full knowledge of the other parties
8 by the witness. What we want to know is what this
9 association did.

10 Q From your knowledge and from the position
11 you held in the Imperial Rule Assistance Association
12 I believe that you are aware that the Imperial Rule
13 Assistance Association is different from the Nazi
14 Party in Germany and the Fascist Party in Italy.

15 THE MONITOR: Correction: And from what
16 knowledge you have of the Nazi Party and the Fascist
17 Party, I believe you can answer whether the I.R.A.A.
18 was different from those two parties or not; can
19 you not?

20 THE PRESIDENT: His answer will be useless
21 as far as I am concerned.

22 MR. FUJII: I conclude my cross-examination.

23 MR. ITO: I am ITO, Kiyoshi, counsel for the
24 defendant MATSUI, Iwane.
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CROSS-EXAMINATION (Continued)

BY MR. ITO:

Q I don't know about the English text; the Japanese text says as follows, but the interpreter will give the English text: "After the formation of the Imperial Rule Assistance Association, no other important political parties or organizations existed." Is this correct?

THE MONITOR: Correction: Isn't this a mistake, or isn't this wrong?

A As far as I can remember, I think it was correct. After the establishment of the Imperial Rule Assistance Organization, there was no other important political parties left.

THE MONITOR: Parties or organizations.

Q Then, by this do you mean that the Imperial Rule Assistance Association was a political party?

A I do not say so. The political parties -- the parliamentary parties -- political parties had been dissolved before the foundation of the Imperial Rule Assistance Association. And after the establishment of the Imperial Rule Assistance Association there might have been some others which were dissolved. However, I don't remember correctly if there

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1 were any other political parties dissolved after
2 the foundation of the Imperial Rule Assistance
3 Association.

4 THE MONITOR: Correction: Before the
5 formation of the I.R.A.A. political parties were
6 dissolved. After the formation, many political
7 organizations were also dissolved. There may have
8 been some left. However, my statement in the
9 affidavit is that there were no important political
10 associations left after the formation of the
11 I.R.A.A.

12 Q. Then, do you mean to say that from the
13 time the Imperial Rule Assistance Association
14 was formed, and during the period of its existence --
15 that is, from 1940 to 1945 -- there were no political
16 parties nor any political organizations in Japan?

17 A I don't mean that. I described the state
18 which prevailed immediately after the foundation
19 of the Imperial Rule Assistance Association in my
20 affidavit.

21 I am fully aware of the fact that the
22 Imperial Rule Assistance Political Party was later
23 formed, and the subsidy that I refer to in my
24 affidavit was the sum which was given for the first
25 time to that association.

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1 THE MONITOR: Slight correction: I am
2 aware that the Imperial Rules Political Association
3 was formed later. Therefore, I do not say that
4 there were no political associations or organiza-
5 tions.

6 Q But, if I go solely by the text of this
7 affidavit, you have stated "after the formation
8 of the Imperial Rule Assistance Association," and
9 you have not qualified that "after" by "immediately
10 after" or any such word, so that I took it to mean
11 that -- I had no other means but to take it in the
12 way that I did.

13 But now I understand, then, that that was
14 not what you meant to say.

15 A That is correct.

16 Q Then, in that sense, this affidavit must
17 be corrected, is that so?

18 A If you read it in my way -- that is, if
19 you understand the meaning which I gave to my
20 affidavit -- it is correct.

21 THE MONITOR: Correction: If you will
22 only interpret it in the way that I explained here,
23 it will not have to be corrected or revised.

24 Q Then, may I understand your answer as being
25 that immediately after the formation of the Imperial

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1 Rule Assistance Association important political
2 parties and organizations ceased to exist, but
3 that afterwards they did again crop up? By this
4 "after" I mean during the period of the existence
5 of the Imperial Rule Assistance Association. May
6 I understand it in this sense?

7 A I don't understand very well your question.
8 I believe that political parties existed also after
9 the dissolution of the Imperial Rule Assistance
10 Association.

11 Q What I meant by my question was that, if
12 we go by the text of this affidavit, after the
13 formation of the Imperial Rule Assistance Association
14 and during -- that is to say, during the entire period
15 of its existence, not a single political party or
16 organization existed in Japan. But your answer has
17 now made clear that these political parties ceased
18 to exist immediately after the formation of this
19 association, but that they again came into being and
20 did exist during the period of the existence of the
21 Imperial Rule Assistance Association. May I under-
22 stand it in this sense?

23 A Yes.

24 MR. ITO: Thank you.

25 MR. NARITOMI: I am NARITOME, counsel for

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1 the defendant SHIRATORI, Toshio. I wish to ask him
2 one simple question.

3 CROSS-EXAMINATION (Continued)

4 BY MR. NARITOMI:

5 Q You have stated that the directors of the
6 Imperial Rule Assistance Association numbered from
7 thirty to forty, and you also said that the members
8 of the Preparatory Committee of this association
9 also numbered from thirty to forty. But, by this
10 do you mean that the same men filled both posts?

11 A Some posts were filled by the same men,
12 and some others were not. However, I believe that
13 the number of Preparatory Committee was less than
14 those of the number of directors of the Imperial
15 Rule Assistance Association after its formation.

16 Q Do you know whether the defendant
17 SHIRATORI was asked to assume the post of director
18 of this association?

19 A I don't remember definitely. He resigned
20 later on, or something, and I don't recall now.

21 THE MONITOR: Correction.

22 THE INTERPRETER: I didn't meet him quite
23 often.

24 Q Then, is it not a fact that SHIRATORI was
25 asked to become a director but that he refused?

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1 A I don't remember. I was only one of the
2 directors, and there are many things which I don't
3 remember.

4 Q To begin with, the Imperial Rule Assistance
5 Association, as you have said, was simply a public
6 organization comparable to a hygienic organization.
7 But, you further state now that SHIRATORI did not
8 even play a part in this association prominent
9 enough to come to your notice. Is that assumption
10 correct?

11 THE PRESIDENT: This is a speech. You
12 must learn to put questions, not make speeches.

13 We will recess now until thirty minutes
14 after one.

15 (Whereupon, at 1200, a recess was
16 taken.)

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AFTERNOON SESSION

1 The Tribunal met, pursuant to recess,
2
3 at 1330.
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5 MARSHAL OF THE COURT: The International
6 Military Tribunal for the Far East is now resumed.

7 THE PRESIDENT: Have you any further cross-
8 examination?

9 We have all noticed a distinct improvement in
10 the organization of the defense, so far as it can be
11 judged from the cross-examinations; but it does occur
12 to us that perhaps a further distinct improvement
13 could be made. If it could be arranged that one Japan-
14 ese counsel and one American counsel would cross-
15 examine each witness, that would give each counsel
16 an opportunity to examine or cross-examine a witness
17 in turn. I do not expect a reply now, but I do ask
18 counsel to seriously consider that course. Our pur-
19 pose is to secure more effective cross-examinations
20 while saving time.

21 Yes, Captain Kleiman.
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1 F U M I O G O T O , called as a witness on behalf
2 of the prosecution, resumed the stand and testi-
3 fied as follows:

4 CROSS EXAMINATION (Continued)

5 BY CAPTAIN KLEIMAN:

6 Q Mr. Witness, you used in connection with the
7 IRAA and the other alphabetical association the terms,
8 "public association" and "political association."
9 Will you please explain to the Tribunal what you mean
10 by those terms.

11 A This will need an explanation from two points:
12 one is from the legal standpoint, and the other, from
13 a more general standpoint.

14 CAPTAIN KLEIMAN: Will the Tribunal accept
15 the explanation. I believe it will clear certain
16 points up for the Tribunal, your Honor.

17 THE PRESIDENT: We are not greatly impressed
18 with the need for it, but we will accept a short ex-
19 planation from the witness.

20 Q Will you please explain, Mr. Witness?

21 A According to the public security police law,
22 the laws of our country regulate -- the regulations
23 of this law define two different types of organiza-
24 tions: namely, the political organization, and the
25 public organization.

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1 First, political organizations: organiza-
2 tions which center around activity in the Diet which
3 will have a direct influence on the policies of the
4 government, which try to gain public opinion and to
5 make the people at large agree with their political
6 views. In short, organizations with a political
7 purpose. These organizations are called organizations
8 concerning politics, and, generally speaking, are re-
9 ferred to as political organizations. All other
10 organizations are, in this law, referred to generally
11 as public organizations, ideological organizations,
12 social welfare organizations, educational organiza-
13 tions, and organizations comprising all other kind of
14 social activity in their widest sense. These are
15 grouped together as public organizations; organizations
16 which lay particular stress on ideological problems
17 fall under the category of public organizations.

18 This is an explanation of the two organiza-
19 tions as seen from a legal standpoint.

20 THE PRESIDENT: Is the distinction between
21 political and party political; the Imperial Rule
22 Assistance Association being political but not party
23 political?

24 THE WITNESS: In my explanation so far -- in
25 my explanation, I have not mentioned any such term.

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1 as "party political organization." From a legal
2 standpoint there is no distinction between the two.
3 Both of them are referred to as political organizations.

4 Concerning the Imperial Rule Assistance Asso-
5 ciation, from the legal standpoint which I have just
6 mentioned, it is a public organization and not a
7 political organization.

8 THE PRESIDENT: if the political parties
9 disappeared with the Imperial Rule Association, or
10 with the advent of the Imperial Rule Association,
11 and were restored with the disappearance of the
12 Imperial Rule Association, does that suggest any con-
13 nection between the two?

14 THE WITNESS: Yes, there is quite a lot of
15 connection between the two events; but I should like
16 to be permitted a few minutes in which to give some
17 explanations.

18 As I said before, political parties were
19 not dissolved as a result of the establishment of
20 the Imperial Rule Assistance Association. Before
21 the establishment of the Imperial Rule Assistance
22 Association -- before the preparatory committee of
23 this association had been assembled by Prince KONOYE
24 -- parliamentary political parties were dissolved.
25 There had been a prevailing opinion that Prince KONOYE

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1 was about to form one great political party, and I
2 believe that the leaders of the various political
3 parties of those times dissolved their parties with
4 the idea of joining this proposed great political
5 party. However, as I had no connection with them,
6 my observations may be mistaken. Thus, the political
7 parties were dissolved. But when Prince KONOYE es- -
8 tablished his preparatory committee and began mak-
9 ing up plans for the Imperial Rule Assistance Asso-
10 ciation, he abandoned his original plan of forming
11 a political party --

12 THE MONITOR: One great political party.

13 THE WITNESS: (Continuing) and at the same
14 time public opinion -- the trend of public opinion was
15 that it was not in accordance with the Japanese
16 national structure for all the political parties
17 to dissolve and for one overwhelming great political
18 party to be made. In this atmosphere of strong oppo-
19 sition to the formation of a great political party,
20 and with Prince KONOYE's ideas as outlined above --
21 in this atmosphere the preparatory committee of this
22 new association met.

23 Q Did KONOYE ask --

24 THE WITNESS: I will soon be over.

25 CAPTAIN KLEIMAN: Excuse me.

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1 THE WITNESS: And thus, when the preparatory
2 committee met, Prince KONOYE's ideal was to form an
3 organization with which all strata of the Japanese
4 people could be in agreement; that is to say, whether
5 they be business men, politicians, educators, or
6 government officials -- of course, they would have
7 different political ideologies and different political
8 opinion, but this organization was to have something
9 with which all these people would feel they had some-
10 thing in common. Thus, the Imperial Rule Assistance
11 Association passed its preparatory stage and was
12 established. But this was not one great political
13 party, with one definite political platform and
14 ability to push this platform strongly, but was an
15 organization with which all kinds of people, of all
16 kinds of opinion, and all kinds of trends, could
17 agree and cooperate. And, therefore, to those peo-
18 ple who had desired the appearance of a strong politi-
19 cal party -- a party with a strong political ideology,--
20 this association was a great disappointment. These --
21 the parliamentary leaders -- already dissolved their
22 political parties, and so they did join the Imperial
23 Rule Assistance Association. But it is my belief
24 that they were greatly dissatisfied with this asso-
25 ciation's lack of political power.

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1 THE PRESIDENT: I think we have heard enough
2 of the witness's views.

3 Q Mr. Witness, will you answer my question.

4 THE PRESIDENT: Tell him to stop. Put your
5 question, Captain Kleiman.

6 CAPTAIN KLEIMAN: Thank you.

7 Q As a matter of fact, Mr. Witness, after
8 the Imperial Rule Political Assistance Association
9 was formed, did not the Imperial Rule Assistance
10 Association continue throughout until the year 1945?

11 A Yes, it did. As I have just said, the
12 politicians were greatly dissatisfied with the
13 Imperial Rule Assistance Association, as it had no
14 political power, and therefore they felt the need of
15 establishing a new political party that would have
16 political power. So they soon resigned -- seceded
17 from the Imperial Rule Assistance Association, and
18 formed the Imperial Rule Assistance Political Society.
19 It was at this time that the KONOYE Cabinet declared
20 in the Diet that the Imperial Rule Assistance Asso-
21 ciation was not a political organization but was a
22 public organization.

23 Q Was not the defendant, HIRAMURA, the person
24 who was responsible for making the Imperial Rule
25 Assistance Association a public association and not
a political association?

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1 THE PRESIDENT: I do not suppose the distinc-
2 tion amounts to much really. The question is, what
3 did it do or attempt to do. We have heard very little
4 about that today.

5 THE WITNESS: May I speak briefly on this,
6 your Honor?

7 THE PRESIDENT: Briefly, yes.

8 A The Imperial Rule Assistance Association,
9 having been established with this kind of nature,
10 carried on mainly movements of a spiritual kind, that
11 is, what the people of Japan should do, what their
12 duty should be. It gave leadership in detail regard-
13 ing this and, for instance, held many conferences
14 on this subject. It was mainly concerned with domes-
15 tic movements; for instance, the increase of pro-
16 duction, the regulation of national living, and so
17 forth.

18 THE MONITOR: Correction: "Domestic
19 problems rather than movements."
20

21 CAPTAIN KLEIMAN: Are you through, Mr.
22 Witness? What function did the Imperial Rule
23 Assistance Association perform after the Imperial
24 Rule Political Assistance Association was formed?

25 A Even after the Imperial Rule Assistance
Political Society was formed, there was not much

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1 change in the functions of the Imperial Rule
2 Assistance Association. As the Imperial Rule
3 Assistance Association was purely concerned with
4 internal problems, the spiritual guidance of the
5 people, the increasing of production, the regulation
6 of national living, and so forth, it continued these
7 functions; whereas, the Imperial Rule Assistance
8 Political Society indulged in parliamentary activ-
9 ities and the assertion of its political platform,
10 and so forth.

11 Q Was Baron HIRANUMA ever a member of either
12 the Imperial Rule Assistance Association or the
13 Imperial Rule Political Assistance Association?

14 A I remember that Baron HIRANUMA was not a
15 member of the Imperial Rule Assistance Political
16 Society. As the regulations of the Imperial Rule
17 Assistance Society provided that members of the
18 Cabinet should be advisors of this Association, I
19 believe Baron HIRANUMA was an advisor of the Imperial
20 Rule Assistance Association; but when the Cabinet
21 changed, naturally all of the advisors also would
22 change. In addition, these advisors had no say in
23 the practical administration of the Imperial Rule
24 Assistance Association.
25

Q Did not Baron HIRANUMA join the KONOYE

1 Cabinet for the purpose of insuring that the
2 Imperial Rule Assistance Association would not be
3 any other than a public association?

4 A I have not heard directly anything to that
5 effect but I have heard from other people that, as
6 you have said, Baron HIRANUMA's idea was that the
7 Imperial Rule Assistance Association should not be
8 a political organization but should be purely a
9 public organization and entered the KONOYE Cabinet
10 with this idea in mind and strove for this purpose.

11 Q Was Baron HIRANUMA for or against parliament-
12 ary government?

13 A I was not in the Cabinet at that time and
14 neither did I meet Baron HIRANUMA but I am convinced
15 that Baron HIRANUMA believed in the rightfulness of
16 parliamentary government.

17 Q Was Baron HIRANUMA, throughout the time that
18 he was with the KONOYE Cabinet, for or against the
19 Tri-part Pact?

20 THE PRESIDENT: "Tri-partite."

21 MR. HELM: Mr. President, I would very
22 respectfully suggest that if counsel wants his client
23 to testify, to swear and put him on the stand.

24 THE PRESIDENT: The object is to avoid
25 that.

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1 MR. HELM: These questions attempt to
2 search the conscience of another man.

3 THE PRESIDENT: To ascertain his motives
4 and his purposes and his politics, I think that covers
5 the lot. They are hardly directed to any issue that
6 I can discover.

7 CAPTAIN KLEIMAN: The purpose, if the
8 Tribunal please, is to avoid calling a witness for
9 defense during the period of defense for the purpose
10 of expediting the trial. If we recall these people
11 at a later period of time, although the prosecution's
12 case will be shortened, still the case of the defense
13 will be much more lengthened. I don't know if I will
14 ever be able to secure this witness.

15 THE PRESIDENT: One thing is clear. You are
16 asking this witness to say things that the accused
17 should say himself; and it is not for me to say
18 that you should not attempt to obviate the need for
19 calling him. But I think your cross-examination has
20 now reached the stage which is inevitable in all cross-
21 examinations when it is no longer of any help.

22 CAPTAIN KLEIMAN: All right, your Honor.
23 I will withdraw the last question, your Honor.

24 THE PRESIDENT: Any further cross-examination?

25 MR. HELM: The prosecution desires nothing

1 further of this witness, your Honor.

2 (Whereupon, the witness was excused.)

3 MR. HELM: I have here prosecution's document
4 No. 451 which was obtained from the government files
5 of the Japanese Government bearing the government
6 seals, the signature of the then Prime Minister,
7 Hideki TOJO, his seals, and the signature of the then
8 Premier KOISO and his seals. The prosecution has
9 excerpted some twenty pages and wishes to introduce
10 this document into evidence to show the scope and
11 purpose of the Imperial Rule Assistance Association.

12 I now offer it in evidence and ask that it
13 be appropriately marked as prosecution's next in order.

14 THE PRESIDENT: Admitted subject to the
15 usual terms.

16 CLERK OF THE COURT: That was marked exhibit
17 No. 167.

18 (Whereupon, prosecution's exhibit

19 No. 167 was received in evidence.)

20 MR. HELM: I have here prosecution's document
21 No. 1658 which purports to be an official file of the
22 Japanese Government and is so certified by an official
23 of the present Home Ministry. It is a file of the
24 Japanese Imperial Rule Assistance Association. This
25 file begins 8 July 1942 and runs until late in 1945.

1 The whole of it has been translated. I draw the
2 Court's particular attention to page 5, page 6 being
3 a diagram of the March and October Incidents and the
4 participants therein. I offer this document in
5 evidence and ask that it be appropriately marked as
6 prosecution's next in order.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Exhibit No. 168.

9 (Whereupon, prosecution's exhibit
10 No. 168 was received in evidence.)

11 THE PRESIDENT: Yes, Mr. Donihi.

12 MR. DONIHI: May it please the Tribunal, at
13 this time the prosecution is ready to show the film
14 which was hithertofore referred to as "Critical Period
15 of Japan" and I should like to call the attention of
16 the Court to the fact that after corrections were made
17 in translation, it appears that the possibility of
18 the film being named "Japan in Time of Emergency"
19 is possible and we should like to have the record
20 correctly show that, if necessary.

21 THE PRESIDENT: Dr. KIYOSE alleged there
22 were very serious mistakes in the translation. We
23 would like to know whether that was so or not; but
24 that will not delay the projection of the picture.
25 We will take that straightaway.

1 MR. DONIHI: Acting upon the directions
2 of the Tribunal, a screening was held upon last
3 Saturday, a week ago, at which time the defense
4 was represented by translators, the prosecution like-
5 wise had some translation experts and the Tribunal's
6 Language Arbitrator was represented at the screening.
7 The prosecution and defense both submitted copies of
8 their alleged corrections to the Language Arbiter
9 who, in turn, decided what should be the correct
10 Japanese transcript. From that transcript the English
11 translation was made by our translation section.

12 With permission of the Tribunal, the
13 prosecution will show this film commencing with
14 reel number two, in view of the fact that the Court
15 has already seen the first reel.

16 THE PRESIDENT: Last time I thought we saw
17 something that looked like a picture.

18 MR. DONIHI: Mr. President, the prosecution
19 should like to call the witness NAKAI, who was on the
20 stand at the time the picture was first introduced.

21 (Whereupon, the witness NAKAI resumed
22 the stand.)

23 THE PRESIDENT: You are still on your former
24 oath, Witness.

25 Yes, Mr. Donihi.

1 MR. DONIHI: Will the projectionists please
2 commence the picture?

3 Mr. President, it appears that there is no
4 power for the machines.

5 THE PRESIDENT: Can that be obtained
6 immediately?

7 MR. DONIHI: The gentleman has just signaled
8 that the power is on. May we have the overhead
9 lights cut out?

10 (Whereupon, at 1423, the film was
11 started upside down.)

12 THE PRESIDENT: I understand, Mr. Donihi,
13 it will take over an hour to make the necessary adjust-
14 ments in all of the reels. There are ten of them.
15 Let us do something useful this afternoon. Put on
16 the lights. Restore the lights, please.

17 (Whereupon, Hidekazu Hayashi replaced
18 Sho Onodera as Monitor.)
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1 MR. DONIHI: Mr. President, at this time it
2 is my pleasure to turn the case over to Mr. John
3 Darsey. Mr. Darsey is the personal representative
4 of the Attorney General of the United States in the
5 War Crimes Trials for the Far East.

6 MR. DARSEY: Mr. President, Members of the
7 Tribunal.

8 THE PRESIDENT: Mr. Darsey, you were taken by
9 surprise, were you not? You did not expect to be
10 addressing so soon, taking the evidence so soon?

11 MR. DARSEY: As a matter of fact, we have been
12 anticipating it for several days. I understand that
13 some confusion has arisen by virtue of use as inter-
14 changeable the last and first Japanese names. For
15 the information of all concerned, we shall consis-
16 tently employ the surname first.

17 While reference in a general way has been
18 made previously thereto, we are now specifically
19 concerned with Japan's Manchurian aggression. It
20 involves a plot and a plan to conquer, exploit and
21 dominate those provinces of China which, including
22 Jehol, are commonly known as Manchuria.

23 If the Court please, the speech has been
24 served and processed. Is it necessary that it be
25 translated and interpreted as we go along?

1 THE PRESIDENT: I understand there will be a
2 running translation of what you say.

3 LANGUAGE SECTION CHIEF: Mr. President, that
4 is correct, and we are ready to proceed with simul-
5 taneous Japanese translation.

6 MR. DARSEY: The plot included the planning,
7 initiation and waging of wars of aggression in that
8 territory. This evidence will relate to counts 1 to
9 5 inclusive, 6, 18 and 27 of the Indictment. It will
10 show not only the aggression in the territory just
11 mentioned, but the further extension thereof into the
12 provinces of North China and Inner Mongolia, particu-
13 larly in Hopei and Chahar.

14 As a result of a previous policy of aggres-
15 sion, Japan, by 1928, had acquired substantial rights
16 and interests in Manchuria. These included:

17 A ninety-nine year lease of the Kwantung
18 Peninsula;

19 A ninety-nine year lease of the South
20 Manchuria Railway. (This railway became the quasi-
21 government in the territory which it served);

22 The right to operate other railroads in
23 Manchuria;

24 The right to establish Japanese settlements
25 at Antung, Mukden and Yinkow;

1 The right of priority in the employment of
2 "special officials";

3 The right to establish post offices and to
4 operate telephone and telegraph services;

5 The right of priority with respect to mining
6 and forestry; and many others, by far the most important
7 of which was:

8 The right to station railway and consular
9 guards. These guards were regular Japanese soldiers.

10 This latter right and the violation of limitations
11 with respect thereto afforded the opening
12 wedge by which large armed forces were congregated
13 in Manchuria to supplement the Kwantung Army in the
14 leased peninsula.

15 Upon the advent of the TANAKA Cabinet in
16 1927, the army was able to influence the government
17 to adopt a so-called "Positive Policy" toward Manchuria.
18 In short, this policy was that Japan should
19 exploit to the fullest extent its rights and assume
20 responsibility for peace and order throughout Manchuria.
21 In furtherance of this policy, troops were
22 sent into China in May, 1927, and again in April,
23 1928.

24 This is the background in which the military
25 grew intolerant of and impatient with the normal

1 processes of negotiation and collaboration with
2 constituted authorities. A plan was developed to
3 create an incident which should form a pretext for
4 the use of armed forces to occupy Manchuria and to
5 set up a "puppet government" there subservient to
6 Japan.

7 We shall prove that:

8 A group of army officers on the General
9 Staff in Tokyo and in the Kwantung Army and certain
10 civilians, did create such an incident on the night
11 of September 18, 1931;

12 They caused the armed forces of Japan to
13 occupy Manchuria together with Jehol and Inner
14 Mongolia;

15 They did set up a "puppet government" which
16 Japan dominated and controlled through the Kwantung
17 Army;

18 Japan went through the formality of officially
19 recognizing the independence of this government in
20 September of 1932;

21 Japan, however, continued to dominate and
22 control this government through the Kwantung Army
23 until September of 1945; and

24 Japan and the Kwantung Army used the terri-
25 tory of Manchuria as a base for continued aggression

1 in the adjacent territories of China until September
2 of 1945.

3 To elaborate: On the night of September 18,
4 1931, the plotters caused an explosion to occur on the
5 South Manchuria Railway just north of Mukden, and
6 charged the Chinese with responsibility therefor.
7 The damage to the railroad, if any, was not sufficient
8 to prevent the punctual arrival immediately there-
9 after of the southbound train from Changchun. In
10 preparation for the occasion artillery had been brought
11 down from Japan earlier in the year. This artillery
12 was installed at a strategic position between the
13 adjacent Chinese barracks under the pretense that
14 wells were being dug. Immediately ensuing this
15 explosion, these guns began to shell the Chinese
16 barracks. All the Japanese forces in Manchuria were
17 brought into well coordinated action. The Korean
18 Army, which stood poised on the border, crossed the
19 Yalu River without Imperial sanction to participate
20 in the operations. This became known as the renowned
21 "Crossing the Border Incident."

22 Before the Commission of Enquiry appointed
23 by the League of Nations could conclude its investi-
24 gation, the Japanese armies had consolidated the
25 occupation of Manchuria.

1 By Spring of 1932, a "puppet government" was
2 established with Pu-Yi, the former Emperor, as its
3 President. This government was completely dominated
4 by the Kwantung Army. There was no popular demand in
5 Manchuria for an independent state. The movement was
6 fostered by the Self-Government Guiding Board, which
7 was organized by the Japanese Army with Japanese
8 occupying a majority of the key positions. The
9 Kwantung Army determined the personnel and policies
10 of the new government. Customs and revenues were
11 seized. Taxes and tariffs were readjusted. The
12 financial and economic policies were coordinated so
13 as to make Japan and the new State an "en bloc
14 economy."

15 Japan officially recognized the independence
16 of the so-called new state in Manchuria on September
17 15, 1932. The sheer sophistry of this gesture is
18 mirrored in the continued control and domination of
19 the Manchurian Government by Japan until her surrender
20 in 1945.

21 No sooner had this superficial action been
22 taken than the Kwantung Army directed that the
23 political policies of Manchuria were to be formu-
24 lated by its Commander-in-Chief -- they were to be
25 administered by Japanese -- Pu-Yi would be the nominal

1 ruler, but Japan would not recognize his power --
2 no political parties would be permitted to function --
3 and that the economy of the country would be coordi-
4 nated with that of Japan by tariff walls.

5 Each succeeding year the cabinet of Japan
6 decided new and further policies in exploitation of
7 Manchuria. These policies were put into effect
8 through the Kwantung Army. The detailed nature and
9 full extent of the economic exploitation of Manchuria
10 will be developed in another phase of the prosecution's
11 case.

12 Upon the establishment of this so-called
13 independent state, Jehol Province in Inner Mongolia
14 was declared to be a part of it. The government and
15 people of Jehol were wholly unsympathetic and un-
16 cooperative, and this move proved ineffective. True
17 to form, Jehol was occupied by the Kwantung Army in
18 the Spring of 1933, and forcefully brought into the
19 sphere of influence of the "puppet government."

20 The Japanese invasion continued from the
21 Province of Jehol southward to and beyond the Chinese
22 wall. At this point the invasion was temporarily
23 halted. A military truce known as the Tangku Truce
24 was concluded on 31 May 1933, under which a demil-
25 itarized zone was established in the northeastern

1 part of the Province of Hopei with the Chinese Wall
2 as the northern boundary thereof.

3 In May 1935, General UMEZU imposed a demand
4 on the Chinese National Government that it dissolve
5 the Kuo Min Tang Political Party in the Province of
6 Hopei -- withdraw the National Central Army there-
7 from -- and remove those Chinese officials who were
8 charged to be Anti-Japanese in their sentiments.
9 This action was the beginning of the autonomous move-
10 ment fostered by Japan in the north provinces of China.

11 We will prove that General MINAMI, Commander-
12 in-Chief of the Kwantung Army, General UMEZU, Command-
13 er-in-Chief of the Tientsin Army, and Colonel
14 DOIHARA cooperated in an effort to establish an
15 autonomous area in the provinces of North China for
16 the purpose of extending and strengthening the
17 military, political, and economic domination of Japan
18 in China. This resulted finally in the establish-
19 ment of the Japanese dominated and controlled
20 Eastern Hopei Anti-Comintern Autonomous Council on
21 25 November 1935, in the demilitarized zone estab-
22 lished by the Tangku Truce.

23 The Kwantung Army implemented this policy
24 of attraction through military, political and
25 economic pressure on the local governments.

1 In January 1935, a slice of Inner Mongolia
2 was incorporated by military action into the "puppet
3 state" in Manchuria;

4 The military garrison at Tientsin was sub-
5 stantially reinforced;

6 Many military incidents occurred on the
7 Manchurian, Mongolian and Siberian frontiers; and

8 Political and economic control and domin-
9 ation of large areas were established.

10 As a counter-measure the Chinese National
11 Government established the Hopei-Chahar Political
12 Council in December 1935, and the Inner Mongolian
13 Political Council was strengthened in 1936. Thus the
14 loose allegiance of these provinces to the Chinese
15 National Government was maintained. Also a Mutual
16 Assistance Pact between the Union of Soviet Socialist
17 Republics and outer Mongolia was entered into in
18 1936. These two counter-measures had the effect of
19 thwarting this Autonomous Movement in Mongolia.

20 Frustrated in her policy of expansion toward both the
21 west and south, the Anti-Comintern Pact with Germany
22 was concluded on 25 November 1936, and the Marco
23 Polo Bridge Affair occurred on 7 July 1937, both of
24 which will be developed in other phases of the case.

25 All of these overt acts in furtherance of

1 the common plan and conspiracy to employ armed forces
2 to occupy Manchuria and to engage in the further
3 acts of aggression were done in contravention of the
4 solemn guarantees of International Treaties to which
5 Japan was a Signatory Power. Among these treaties
6 were the Hague Conventions of July, 1899, and
7 October, 1907, the Versailles Treaty of June, 1919,
8 the Nine Power Treaty of February, 1922, and the Pact
9 of Paris of August, 1928, all of which affirmatively
10 outlawed the use of armed forces in settlement of
11 disputes among nations.

12 While actively pursuing her course of mil-
13 itary aggression in Manchuria, Japan was assuring an
14 inquiring world of her peaceful intentions.

15 After the occupation of Manchuria was begun
16 in September of 1931, Japan assured the United States
17 that she had no intention to occupy Manchuria nor
18 any territorial designs in China.

19 In the next scene the military aggression
20 in Manchuria was continued, Chinchow was bombed on
21 October 8 and on November 19, 1931, Tsitsihar was
22 occupied.

23 On November 24, 1931, Japan assured the
24 United States that there was no truth in the report
25 of the Westward advance of the Kwantung Army on

1 Chinchow.

2 In the next scene the Westward March of the
3 Kwantung Army continued, and although temporarily
4 halted under pressure of International Powers,
5 Chinchow was occupied in January, 1932.

6 On December 22, 1931, Japan assured the
7 United States that Chinese sovereignty would not be
8 **impaired**. Many similar assurances by Japan were made
9 to the League of Nations in 1931 and 1932.

10 In the next scene, preparations for further
11 aggression were made, and in February, 1932, Harbin
12 was taken, and in March the occupation of Manchuria
13 was consolidated and a "puppet government" was
14 established.

15 Each and every act in this composite pic-
16 ture we shall prove by official records of the
17 Japanese Government, admissions of the accused,
18 admissions of co-conspirators, and the testimony of
19 contemporaneous Japanese statesmen and public
20 officials. In short, we will prove guilt by evidence
21 authored by the Japanese themselves.

22 Most of the evidence which we shall intro-
23 duce will either directly or indirectly relate to
24 each of the defendants. However, for the informa-
25 tion of the Court, the defendants who were most

1 actively involved in that part of the case which we
2 are about to present are:

3 ARAKI, Sadao, who was Chief of the General
4 Affairs Department of the Inspector General's Office
5 from August to December, 1931, and Minister of War
6 from December, 1931, to January, 1934.

7 DOIHARA, Kenji, the Lawrence of Manchuria,
8 who held, among others, the offices of Commander of
9 the Special Service Section of the Kwantung Army in
10 1931, Mayor of Mukden from September to October of
11 1931, and Major General attached to the Headquarters
12 of the Kwantung Army in 1933;

13 HASHIMOTO, Kingoro, who was a Colonel
14 attached to the Army General Staff in 1933;

15 HIROTA, Koki, who was Foreign Minister in
16 the SAITO Cabinet from 1933 to 1934, Foreign Minister
17 in the OKADA Cabinet from 1934 to 1936, and Prime
18 Minister from 1936 to 1937;

19 ITAGAKI, Seishiro, who, among other offices
20 held, was a full Colonel in the Kwantung Army in
21 1929, Major General in 1932, and Vice Chief of Staff
22 in 1934;

23 MINAMI, Jiro, who was Commander of the
24 Korean Army in 1929, Minister of War from April to
25 December of 1931, and Commander-in-Chief of the

1 Kwantung Army from 1934 to 1936; and

2 OKAWA, Shumei, who was Director General of
3 the East Asia Research Institute of the South
4 Manchuria Railway and an organizer of the plan to
5 occupy Manchuria in September of 1931

6 At this time I should like to present those
7 who, from time to time, will participate in the
8 presentation of this phase of the case:

9 Mrs. Grace Kanode Llewellyn of the District
10 of Columbia and the United States Supreme Court Bars.

11 THE PRESIDENT: We welcome you cordially.
12 You probably are the first woman to appear before an
13 International Military Tribunal.

14 MR. DARSEY: Judge Walter I. McKenzie of
15 Detroit, Michigan, member of the Michigan Bar, who
16 is on leave from the office of Referee in Bankruptcy
17 for the Eastern District of Michigan.

18 Henry R. Sackett of Gary, Indiana, who is
19 on leave from the office of the Assistant United
20 States Attorney for the Northern District of Indiana.

21 Elton M. Hyder, Jr., a member of the Bar of
22 the State of Texas, who is on leave from the office
23 of the Assistant Attorney General of that state.

24 At the convenience of the Court, Judge
25 McKenzie is prepared to proceed with the presentation.

1 THE PRESIDENT: We will recess now for
2 fifteen minutes.

3 (Whereupon, at 1450, a recess was
4 taken until 1505, after which the proceedings
5 were resumed as follows, English to Japanese
6 and Japanese to English interpretation being
7 made by TSUCHIYA, Jun and MOTONO, Seiichi,
8 Hidekazu Hayashi acting as Monitor.)
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1 MARSHAL OF THE COURT: The Tribunal is
2 now resumed.

3 THE PRESIDENT: Mr. McKenzie.

4 MR. McKENZIE: If the Tribunal please, I de-
5 sire at this time to call the Tribunal's attention
6 to the fact that the Covenant of the League of
7 Nations is contained in prosecution's exhibit No. 23
8 which is already in evidence, and by reference hereto
9 to include it in the record.

10 As the first step in sustaining the opening
11 statement of Mr. Darsey I desire to read into the
12 record certain excerpts from exhibit 57, which is
13 one of the basic documents, entitled "Report of
14 the Commission of Enquiry Appointed by the League of
15 Nations," commonly known as the Lytton Report.

16 The first excerpt, pages 1 to 12, is offered
17 for the purpose of showing the proceedings by which
18 the Japanese action in Manchuria in September, 1931,
19 was brought to the attention of the League of Nations,
20 and to show the action taken by the League in appoint-
21 ing a Commission of Enquiry.

22 (Reading):
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1 "On September 21st, 1931, the representative
2 of the Chinese Government at Geneva wrote to the
3 Secretary-General of the League of Nations asking
4 him to bring to the attention of the Council the
5 dispute between China and Japan which had arisen
6 from the events which took place at Mukden on the
7 night of September 18th-19th, and appealed to the
8 Council, under Article 11 of the Covenant, to
9 'take immediate steps to prevent the further
10 development of a situation endangering the peace
11 of nations.'

12 "On September 30th, the Council passed the
13 following resolution:

14 'The Council:

15 '(1) Notes the replies of the Chinese
16 and Japanese Governments to the urgent appeal
17 addressed to them by its President and the
18 steps that have already been taken in response
19 to that appeal;

20 '(2) Recognises the importance of the
21 Japanese Government's statement that it has
22 no territorial designs in Manchuria;

23 '(3) Notes the Japanese representative's
24 statement that his Government will continue,
25 as rapidly as possible, the withdrawal of its

1 troops, which has already been begun, into
2 the railway zone in proportion as the safety
3 of the lives and property of Japanese nationals
4 is effectively assured and that it hopes to
5 carry out this intention in full as speedily
6 as may be;

7 '(4) Notes the Chinese representative's
8 statement that his Government will assume
9 responsibility for the safety of the lives
10 and property of Japanese nationals outside
11 that zone as the withdrawal of the Japanese
12 troops continues and the Chinese local author-
13 ities and police forces are re-established;

14 '(5) Being convinced that both Govern-
15 ments are anxious to avoid taking any action
16 which might disturb the peace and good under-
17 standing between the two nations, notes that
18 the Chinese and Japanese representatives
19 have given assurances that their respective
20 Governments will take all necessary steps
21 to prevent any extension of the scope of the
22 incident or any aggravation of the situation;

23 '(6) Requests both Parties to do all in
24 their power to hasten the restoration of normal
25 relations between them and for that purpose

1 to continue and speedily complete the execution
2 of the above- mentioned undertakings;

3 '(7) Requests both Parties to furnish
4 the Council at frequent intervals with full
5 information as to the development of the
6 situation;

7 '(8) Decides, in the absence of any
8 unforeseen occurrence which might render an
9 immediate meeting essential, to meet again
10 at Geneva on Wednesday, October 14th, 1931,
11 to consider the situation as it then stands;

12 '(9) Authorises its President to cancel
13 the meeting of the Council fixed for October
14 14th, should he decide, after consulting his
15 colleagues, and more particularly the represent-
16 atives of the two Parties, that, in view of
17 such information as he may have received from
18 the Parties or from other Members of the Council
19 as to the development of the situation, the meet-
20 ing is no longer necessary.' "

21 "In the course of the discussions that preceeded
22 the adoption of this resolution, the Chinese repre-
23 sentative expresses the view of his Government that
24 'the best method that may be devised by the Council
25 for securing the prompt and complete withdrawal of

1 the Japanese troops and police and the full re-
2 establishment of the status quo ante is the sending
3 of a neutral commission to Manchuria^{4,1} "

4 "The Council held a further session for the
5 consideration of the dispute from October 13th
6 to the 24th. In consequence of the opposition
7 of the Japanese representative, unanimity could
8 not be obtained for the resolution proposed at
9 this session.

10 "The Council met again on November 16th in
11 Paris and devoted nearly four weeks to a study
12 of the situation. On November 21st, the Japanese
13 representative, after stating that his Government
14 was anxious that the resolution of September 30th
15 should be observed in the spirit and letter,
16 proposed that a Commission of Enquiry should be
17 sent to the spot. This proposal was subsequently
18 welcomed by all the other Members of the Council
19 and, on December 10th, 1931, the following reso-
20 lution was unanimously adopted:

21 "The Council:

22 "(1) Reaffirms the resolution passed
23 unanimously by it on September 30th, 1931,
24 by which the two Parties declare that they
25 are solemnly bound; it therefore calls upon

1 the Chinese and Japanese Governments to take
2 all steps necessary to assure its execution
3 so that the withdrawal of the Japanese troops
4 within the railway zone may be effected as
5 speedily as possible under the conditions
6 set forth in the said resolution;

7 '(2) Considering that events have assumed
8 an even more serious aspect since the Council
9 meeting of October 24th, notes that the two
10 Parties undertake to adopt all measures
11 necessary to avoid any further aggravation of
12 the situation and to refrain from any initiative
13 which may lead to further fighting and loss of
14 life;

15 '(3) Invites the two Parties to continue
16 to keep the Council informed as to the develop-
17 ment of the situation;

18 '(4) Invites the other Members of the
19 Council to furnish the Council with any infor-
20 mation received from their representatives on
21 the spot;

22 '(5) Without prejudice to the carrying
23 out of the above-mentioned measures;

24 'Desiring, in view of the special circum-
25 stances of the case, to contribute towards

1 a final and fundamental solution by the two
2 Governments of the questions at issue between
3 them;

4 'Decides to appoint a Commission of five
5 members to study on the spot and to report
6 to the Council on any circumstance which,
7 affecting international relations, threatens
8 to disturb peace between China and Japan,
9 or the good understanding between them upon
10 which peace depends;

11 'The Governments of China and of Japan
12 will each have the right to nominate one
13 Assessor to assist the Commission;

14 'The two Governments will afford the
15 Commission all facilities to obtain on the
16 spot whatever information it may require;

17 'It is understood that, should the two
18 Parties initiate any negotiations, these
19 would not fall within the scope of the
20 terms of reference of the Commission, nor
21 would it be within the competence of the
22 Commission to interfere with the military
23 arrangements of either Party;

24 'The appointment and deliberation of the
25 Commission shall not prejudice in any way the

1 undertaking given by the Japanese Government
2 in the resolution of September 30th as regards
3 the withdrawal of the Japanese troops within
4 the railway zone;
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1 '(6) Between now and its next ordinary
2 session, which will be held on January 25th,
3 1932, the Council, which remains seized of the
4 matter, invites its President to follow the
5 question and to summon it afresh if necessary.' "

6 "In introducing this resolution, the President,
7 M. Briand, made the following declaration:

8 'It will be observed that the resolution
9 which is before you provides for action on two
10 separate lines: (1) to put an end to the im-
11 mediate threat to peace; (2) to facilitate the
12 final solution of existing causes of dispute
13 between the two countries.

14 'The Council was glad to find during its
15 present sittings that an enquiry into the cir-
16 cumstances which tend to disturb the relations
17 between China and Japan, it itself desirable,
18 would be acceptable to the Parties. The Council
19 therefore welcomed the proposal to establish a
20 Commission which was brought before it on Novem-
21 ber 21st. The final paragraph of the resolution
22 provides for the appointment and functioning of
23 such a Commission.

24 'I shall now make certain comments on the
25 resolution, paragraph by paragraph.

1 'Paragraph 1. -- This paragraph reaffirms
2 the resolution unanimously adopted by the Council
3 on September 30th, laying particular stress on
4 the withdrawal of the Japanese troops within
5 the railway zone on the conditions described
6 therein as speedily as possible.

7 'The Council attaches the utmost importance
8 to this resolution and is persuaded that the
9 two Governments will set themselves to the com-
10 plete fulfilment of the engagements which they
11 assumed on September 30th.

12 'Paragraph 2. -- It is an unfortunate fact
13 that, since the last meeting of the Council,
14 events have occurred which have seriously aggra-
15 vated the situation and have given rise to legit-
16 imate apprehension. It is indispensable and
17 urgent to abstain from any initiative which may
18 lead to further fighting, and from all other
19 action likely to aggravate the situation.

20 'Paragraph 4. -- Under paragraph 4, the
21 Members of the Council other than the Parties
22 are requested to continue to furnish the Council
23 with information received from their represen-
24 tatives on the spot.

25 'Such information having proved of high

1 value in the past, the Powers which have the
2 possibility of sending such representatives to
3 various localities have agreed to do all that
4 is possible to continue and improve the present
5 system.

6 'For this purpose, these Powers will keep
7 in touch with the two Parties, so that the
8 latter may, should they so desire, indicate to
9 them the localities to which they would desire
10 the despatch of such representatives.

11 'Paragraph 5 provides for the institution
12 of a Commission of Enquiry. Subject to its
13 purely advisory character, the terms of refer-
14 ence of the Commission are wide. In principle,
15 no question which it feels called upon to study
16 will be excluded, provided that the question
17 relates to any circumstances which, affecting
18 international relations, threaten to disturb
19 peace between China and Japan, or the good
20 understanding between them upon which peace de-
21 pends. Each of the two Governments will have
22 the right to request the Commission to consi-
23 der any question the examination of which it
24 particularly desires. The Commission will have
25 full discretion to determine the questions upon

1 which it will report to the Council, and will
2 have power to make interim reports when desirable.

3 'If the undertakings given by the two Parties
4 according to the resolution of September 30th
5 have not been carried out by the time of the
6 arrival of the Commission, the Commission should
7 as speedily as possible report to the Council
8 on the situation.

9 'It is specially provided that, 'should the
10 two Parties initiate any negotiations, these
11 would not fall within the scope of the terms of
12 reference of the Commission, nor would it be
13 within the competence of the Commission to in-
14 terfere with the military arrangements of either
15 Party'. This latter provision does not limit
16 in any way its faculty of investigation. It is
17 also clear that the Commission will enjoy full
18 liberty of movement in order to obtain the in-
19 formation it may require for its reports.' "

20 "The Japanese representative, in accepting the
21 resolution, made a reservation concerning paragraph
22 2 of the resolution, stating that he accepted it on
23 behalf of his Government, 'on the understanding that
24 this paragraph was not intended to preclude the
25 Japanese forces from taking such action as might be

1 rendered necessary to provide directly for the pro-
2 tection of the lives and property of Japanese sub-
3 jects against the activities of bandits and lawless
4 elements rampant in various parts of Manchuria'."

5 "The Chinese representative, on his part, ac-
6 cepted the resolution, but asked that certain of
7 his observations and reservations on points of prin-
8 ciple should be placed on record as follows:

9 'I. China must and does fully reserve any
10 and all rights, remedies and juridical positions
11 to which she is or may be entitled under and by
12 virtue of all the provisions of the Covenant,
13 under all the existing treaties to which China
14 is a party, and under the accepted principles
15 of international law and practice.

16 'II. The present arrangement evidenced by
17 the resolution and the statement made by the
18 President of the Council is regarded by China
19 as a practical measure embodying four essential
20 and interdependent elements:

21 '(a) Immediate cessation of hostilities;

22 '(b) Liquidation of the Japanese occu-
23 pation of Manchuria within the shortest
24 possible period of time;
25

1 '(c) Neutral observation and reporting
2 upon all developments from now on;

3 '(d) A comprehensive enquiry into the
4 entire Manchurian situation on the spot
5 by a Commission appointed by the Council.

6 'The said arrangement being in effect and
7 in spirit predicated upon these fundamental
8 factors, its integrity would be manifestly de-
9 stroyed by the failure of any one of them to
10 materialise and be effectively realised as
11 contemplated.

12 'III. China understands and expects that
13 the Commission provided for in the resolution
14 will make it its first duty to enquire into and
15 report, with its recommendations, on the with-
16 drawal of the Japanese forces, if such with-
17 drawal has not been completed when the Commission
18 arrives on the spot.

19 'IV. China assumes that the said arrange-
20 ment neither directly nor by implication affects
21 the question of reparations and damages to China
22 and her nationals growing out of the recent
23 events in Manchuria, and makes a specific reser-
24 vation in that respect.

25 'V. In accepting the resolution laid before

1 us, China appreciates the efforts of the Council
2 to prevent further fighting and bloodshed by
3 enjoining both China and Japan to avoid any
4 initiative which may lead to further fighting
5 or any other action likely to aggravate the
6 situation. It must be clearly pointed out that
7 this injunction should not be violated under the
8 pretext of the existence of lawlessness caused
9 by a state of affairs which it is the very pur-
10 pose of the resolution to do away with. It is
11 to be observed that much of the lawlessness now
12 prevalent in Manchuria is due to the interrup-
13 tion of normal life caused by the invasion of
14 the Japanese forces. The only sure way of re-
15 storing the normal peaceful life is to hasten
16 the withdrawal of the Japanese troops and allow
17 the Chinese authorities to assume the responsi-
18 bility for the maintenance of peace and order.
19 China cannot tolerate the invasion and occupa-
20 tion of her territory by the troops of any
21 foreign country; far less can she permit these
22 troops to usurp the police functions of the
23 Chinese authorities. " "

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1 THE PRESIDENT: Judge McKenzie, I have been
2 told that there is no Japanese translation of what
3 you are saying.

4 LANGUAGE SECTION CHIEF: Mr. President, we
5 are supplied with Japanese copies of what Judge
6 McKenzie is currently reading. We have not been
7 informed exactly what passages he is going to read;
8 consequently, we cannot deliver it simultaneously.
9 We intend, however, when he has finished reading his
10 copy, to read the Japanese portion. We have done
11 this so that we do not interrupt his reading of the
12 English version, and thus he will be able to give his
13 clear English version and then we shall be able to
14 read the Japanese. If a copy marked with the por-
15 tions which Judge McKenzie is reading had been given
16 to us we would have been able to read it over the
17 IBM system.

18 THE PRESIDENT: But this failure lengthens
19 the trial. Everything must be done to shorten the
20 trial, to cut down the time as much as possible.

21 MR. McKENZIE: If the Tribunal please, that
22 was why I announced so specifically before I began
23 to read the exact quotation I was planning to read,
24 thinking that that would be sufficient.

25 LANGUAGE SECTION CHIEF: If I remember

1 correctly, Professor McKenzie said pages 1 to 12.
2 The English copy we have begins on page 5. Also,
3 there is a great discrepancy in the page numbering
4 with the Japanese copy.

5 If, as I said, we had received this copy
6 marked before, we could have marked off the portions
7 in the Japanese copy. As it is, we did not know
8 this document would be used until the latter part
9 of the recess period and were unable to get it from
10 our own files until that time.

11 THE PRESIDENT: It is very regrettable. Go
12 ahead. I suppose you can do nothing better.
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1 MR. McKENZIE: If the Tribunal please,
2 I will endeavor to have everything marked tonight
3 except that I did want, after reading this first
4 basic portion, to ask permission of the Court to
5 paraphrase part of it subsequently so that the
6 entire document need not be read.

7 THE PRESIDENT: Well, subject to an exact
8 paraphrase in Japanese, you may do that, as far
9 as I am concerned.

10 MR. McKENZIE: (Reading):

11 "VI. China notes with satisfaction
12 the purpose to continue and improve the
13 present system of neutral observation and
14 reporting through representatives of other
15 Powers, and China will from time to time,
16 as occasion requires, indicate the localit-
17 ies to which it seems desirable to despatch
18 such representatives.

19 VII. It should be understood that, in
20 agreeing to the resolution which provides
21 for the withdrawal of the Japanese forces to
22 the railway zone, China in no way recedes
23 from the position she has always taken with
24 respect to the maintenance of military
25 forces in the said railway zone.

1 . VIII. China would regard any attempt
2 by Japan to bring about complications of a
3 political character affecting China's terri-
4 torial or administrative integrity (such as
5 promoting so-called independence movements
6 or utilising disorderly elements for such
7 purposes) as an obvious violation of the
8 undertaking to avoid any further aggravation
9 of the situation.' "

10 "The Members of the Commission were subse-
11 quently selected by the President of the Council,
12 and, after the approval of the two parties had been
13 obtained, the membership was finally approved by
14 the Council on January 14th, 1932, as follows:

15 "H.E. Count ALDROVANDI (Italian),
16 General de Division Henri CLAUDEL
17 (French),
18 The Rt. Hon. The EARL OF LYTTON, P.C.,
19 G.C.S.I., G.C.I.E. (British),
20 Major-General Frank Ross McCOY
21 (American),

22 H.E. Dr. Heinrich SCHNEE (German)."

23 THE PRESIDENT: Why have those signatures
24 read?

25 MR. McKENZIE: Sir?

1 THE PRESIDENT: Why have those been read out?

2 MR. McKENZIE: To show that in the next
3 paragraph Lord Lytton was appointed Chairman.

4 THE PRESIDENT: There were so many British
5 representatives, so many Americans, and Lord Lytton
6 was Chairman. There is no need to read out those
7 signatures. It is a frightful waste of time.

8 MR. McKENZIE: Very well. Skipping to the
9 third paragraph on page 10.

10 LANGUAGE SECTION CHIEF: Mr. President,
11 then, with this break, we will read in the Japanese;
12 and if, while the Japanese is being read, I could
13 consult with Professor McKenzie about his further
14 portions, we can produce a simultaneous translation
15 on them while this translation is going on.

16 THE PRESIDENT: Yes. How much more is
17 there?

18 LANGUAGE SECTION CHIEF: There are only
19 three pages. Inasmuch as Judge McKenzie reads
20 slowly, we can do it simultaneously while he reads
21 on further.

22 MR. McKENZIE: I can read more rapidly.

23 LANGUAGE SECTION CHIEF: No, preferably
24 slower.

25 THE PRESIDENT: Go ahead.

1 MR. McKENZIE: (Reading);

2 "Meanwhile, the development of the situation
3 in the Far East caused the Chinese Government, on
4 January 29th, to submit a further appeal to the
5 League of Nations under Articles 10, 11 and 15 of
6 the Covenant. On February 12th, 1932, the Chinese
7 representative requested the Council to submit
8 the dispute to the Assembly in accordance with
9 paragraph 9 of Article 15 of the Covenant. Since
10 no further instructions were received from the
11 Council, the Commission continued to interpret its
12 mandate according to the resolution of the Council
13 of December 10th. This included:

14 "(1) An examination of the issues
15 between China and Japan, which were
16 referred to the Council, including their
17 causes, development and status at the time
18 of the enquiry;

19 "(2) A consideration of a possible
20 solution of the Sino-Japanese dispute which
21 would reconcile the fundamental interests
22 of the two countries.

23 "This conception of its mission determined
24 the programme of its work.
25

1 "Before reaching Manchuria, the main theatre
2 of the conflict, contact was established with the
3 Governments of Japan and China and with representa-
4 tives of various shades of opinion, in order to
5 ascertain the nature of the interests of the two
6 countries. The Commission arrived in Tokyo on
7 February 29th, where it was joined by the Japanese
8 Assessor. It had the honour of being received by
9 His Majesty the Emperor. Eight days were spent in
10 Tokyo, and daily conferences were held with members
11 of the Government and others, including the Prime
12 Minister, Mr. INUKAI, the Minister for Foreign
13 Affairs, Mr. YOSHIZAWA, the Minister of War, Lieut-
14 enant-General ARAKI, the Minister of Navy, Admiral
15 OSUMI. Interviews were also held with leading
16 bankers, business-men, representatives of various
17 organizations and others. From all of these we
18 received information regarding the rights and inter-
19 ests of Japan in Manchuria and her historical assoc-
20 iations with that country. The Shanghai situation
21 was also discussed. After leaving Tokyo, we learned
22 while in Kyoto of the establishment of a new 'State'
23 in Manchuria, under the name of 'Manchukuo' (the
24 Manchu State). In Osaka, conferences were arranged
25 with representatives of the business community.

1 "The Commission reached Shanghai on March
2 14th and was joined there by the Chinese Assessor.
3 Here a fortnight was occupied, in addition to our
4 general enquiry, in learning as much as possible
5 about the facts of the recent fighting and the
6 possibility of an armistice, which we had previously
7 discussed with Mr. YOSHIZAWA in Tokyo. We paid a
8 visit to the devastated areas, and heard statements
9 from the Japanese naval and military authorities
10 regarding recent operations. We also interviewed
11 some of the members of the Chinese Government and
12 leaders of business, educational and other circles,
13 including Canton.

14 "On March 26th, the Commission proceeded
15 to Nanking, some of its members visiting Hangchow on
16 the way. During the following week, it had the
17 honour of being received by the President of the
18 National Government" and other important Chinese
19 officials, skipping the balance of that paragraph.

20 "In order to acquaint ourselves more fully
21 with representative opinion and with conditions
22 existing in various parts of China, we proceeded on
23 April 1st to Hankow, stopping en route at Kiukiang.
24 Some representatives of the Commission visited Ichang,
25 Wanhsien and Chungking in the province of Hupeh and

1 Szechuan.

2 "On April 9th, the Commission arrived at
3 Peiping (as Peking is now called), where several
4 conferences were held with Marshal Chang Hsueh-
5 Liang and with officials who had been members of
6 the administration in Manchuria until September
7 18th. Evidence was also given by the Chinese
8 Generals who had been in command of the troops at
9 the barracks at Mukden on the night of September
10 18th.

11 "Our stay in Peiping was prolonged owing to
12 a difficulty which arose regarding the entry into
13 Manchuria of Dr. Wellington Koo, the Chinese
14 Assessor.

15 "In proceeding to Manchuria, the Commission
16 divided into two groups, some of the party travelling
17 to Mukden by rail via Shanhaikwan, and the remainder,
18 including Dr. Koo by sea via Dairen, thus remaining
19 within the Japanese railway area. The objection to
20 Dr. Koo's entry into 'Manchukuo' territory was
21 finally withdrawn after the arrival of the Commission
22 in Changchun, the northern terminus of the Japanese
23 railway area.

24 "We remained in Manchuria for about six
25 weeks, visiting Mukden, Changchun, Kirin, Harbin,

1 Dairen, Port Arthur, Anshan, Fushun and Chinchow.

2 We had intended to visit Tsitsihar as well, but,
3 while we were in Harbin, there was continuous
4 fighting in the surrounding districts, and the
5 Japanese military authorities stated that they were
6 unable at that moment to guarantee the safety of
7 the Commission by rail on the western branch of the
8 Chinese Eastern Railway. Accordingly, some members
9 of our staff visited Tsitsihar by air. From there
10 they travelled by the Taonan-Angangchi and Ssupingkai-
11 Taonan Railways and rejoined the main body in Mukden.

12 "During our stay in Manchuria we wrote a
13 Preliminary Report, which we despatched to Geneva
14 on April 29th.

15 "We had numerous conferences with Lieutenant-
16 General HONJO, Commander of the Kwantung Army, other
17 military officers, and Japanese consular officials.
18 At Changchun we visited the Chief Executive of
19 'Manchukuo', the former Emperor, Hsuan Tung, now
20 known by his personal name of Henry Pu-yi. We also
21 had interviews with members of the 'Manchukuo'
22 Government, including officials and advisers of
23 Japanese nationality, and Governors of Provinces.
24 Delegations were received from the local population,
25 most of which were presented by the Japanese or

1 'Manchukuo' authorities. In addition to our public
2 meetings, we were able to arrange interviews with
3 a great number of individuals, both Chinese and
4 foreign.

5 "The Commission returned to Peiping on June
6 5th, where an analysis of the voluminous document-
7 ary material collected was begun. Two more confer-
8 ences were also held with Mr. Wang Ching-Wei, Presi-
9 dent of the Executive Yuan; Dr. Lo Wen-Kan, Minister
10 for Foreign Affairs; and Mr. T. V. Soong, Minister
11 of Finance.

12 "On June 28th the Commission proceeded to
13 Tokyo via Chosen (Korea). Its departure for Japan
14 was delayed by the fact that no Foreign Minister had
15 yet been appointed in the Cabinet of Admiral Vis-
16 count Saito. After their arrival in Tokyo on July
17 4th, conferences were held with leaders of the
18 new Government, including the Prime Minister, Admiral
19 Viscount Saito; the Minister for Foreign Affairs,
20 Count UCHIDA; and the Minister of War, Lieutenant-
21 General ARAKI. From these we learned the present
22 views and policy of the Government regarding the
23 development of the situation in Manchuria and Sino-
24 Japanese relations.

25 "Having thus renewed contact with both the

1 Chinese and the Japanese Governments, the Commission
2 returned to Peiping, where the drafting of the
3 Report was undertaken.

4 "The two Assessors, who throughout spared
5 no effort to assist the work of the Commission,
6 presented a great amount of valuable documentary
7 evidence. The material received from each Assessor
8 was shown to the other, and an opportunity given
9 for subsequent comment. These documents will be
10 published.

11 "The large number of persons and organiza-
12 tions interviewed, as listed in the Appendix, will
13 illustrate the amount of evidence examined. Further,
14 in the course of our travels, we have been presented
15 with a great quantity of printed pamphlets, petitions,
16 appeals, and letters. In Manchuria alone, we received
17 approximately 1,550 letters in Chinese and 400
18 letters in Russian, without mentioning those written
19 in English, French or Japanese.

20 "The arrangement, translation and study of
21 these documents involved a considerable labour, which
22 was carried out in spite of our continual movement
23 from place to place. It was finally completed on
24 our return to Peiping in July and before our last
25 visit to Japan.

1 "The Commission's conception of its mis-
2 sion, which determined the programme of its work
3 and itinerary, has equally guided the plan of its
4 Report.

5 "First, we have tried to provide an his-
6 torical background by describing the rights and
7 interests of the two countries in Manchuria, which
8 provide the fundamental causes of the disputes;
9 the more recent specific issues which immediately
10 preceded the actual outbreak were then examined,
11 and the course of events since September 18th,
12 1931, described. Throughout this review of the
13 issues, we have insisted less on the responsibi-
14 lity for past actions than on the necessity of
15 finding means to avoid their repetition in the
16 future.

17 "Finally, the Report concludes with some
18 reflections and considerations which we have de-
19 sired to submit to the Council upon the various
20 issues with which it is confronted, and with some
21 suggestions on the lines on which it seemed to
22 us possible to effect a durable solution of the
23 conflict and the re-establishment of a good under-
24 standing between China and Japan."
25

1 THE PRESIDENT: It is just about four now.
2 It is about time to adjourn. We will adjourn
3 until thirty minutes after nine in the morning.

4 (Whereupon, at 1600, an adjourn-
5 ment was taken until **Tuesday, 2 July,**
6 1946, at 0930.)

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